BILL NO. Z-77-06-14 (as amended)

ZONING MAP ORDINANCE NO. Z-23-77

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. DD14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a "B1B" ~~B3B~~ District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. DD14, referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

That part of Lot No. 24 in Liberty Gardens Addition to the City of Fort Wayne according to the plat thereof, recorded in plat record 8, page 61 of the Office of the Recorder of Allen County, Indiana, described as follows: Beginning at the NE corner of said Lot No. 24; thence Southerly along the East line thereof 170 feet to the Southeast corner of said Lot; then West on the South line of said Lot 73.5 feet; thence North and Easterly 167.3 feet to the point of beginning.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

William T. R

Councilman

APPROVED AS TO FORM AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Hinga, seconded by Moses, and duly adopted, read the second time by title and referred to the Committee on Rate Regulations (and the City Plan Commission for recommendation) and ~~Public Hearing to be held after due legal notice, at the Council Chambers~~, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock ~~A~~ M., E.S.T.

DATE: 6-14-77

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8	0		1	
BURNS	✓				
HINGA	✓				
HUNTER	✓				
MOSES				✓	
NUCKOLS	✓				
SCHMIDT, D.	✓				
SCHMIDT, V.	✓				
STIER	✓				
TALARICO	✓				

DATE: 9-13-77

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (~~GENERAL~~) (~~ANNEXATION~~) (SPECIAL) (~~APPROPRIATION~~) ORDINANCE (~~RESOLUTION~~) No. Z-23-77 on the 12th day of September, 1977.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

John Nuckols
~~PRESIDING~~ OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of September, 1977, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 14th day of September, 1977, at the hour of 3:30 o'clock ~~P~~ M., E.S.T.

Robert E. Armstrong
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 14, 1977, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-77-06-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1977;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance BE PERFECTED TO A "B1B" District and DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 22, 1977.

Certified and signed this 25th day of August, 1977.

Joseph N. Adair

Joseph N. Adair
Secretary

Bill No. Z-77-06-14 as amended

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. DD14

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance do PASS. as amended

VIVIAN G. SCHMIDT - CHAIRMAN — Vivian G. Schmidt

WINFIELD C. MOSES, JR. - VICE CHAIRMAN — W. C. Moses Jr.

WILLIAM T. HINGA — William T. Hinga

DONALD SCHMIDT — D. Schmidt

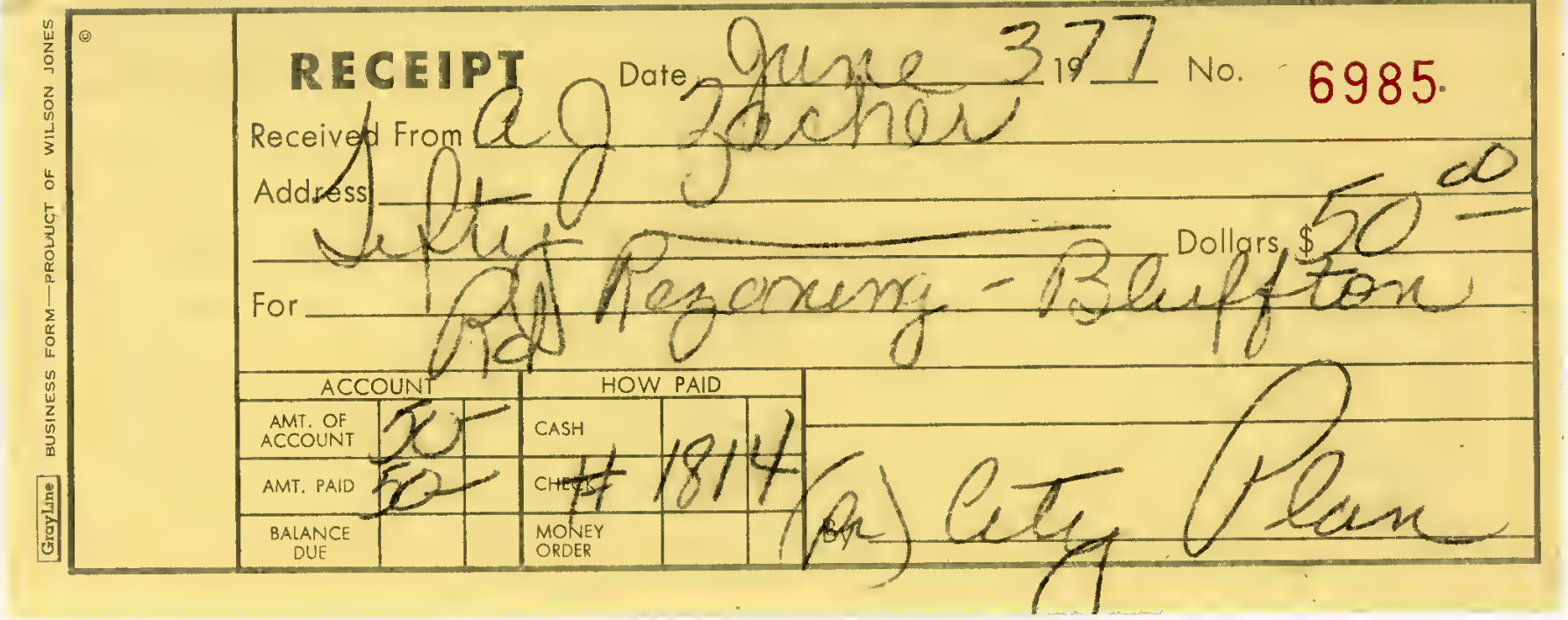
SAMUEL J. TALARICO — Samuel J. Talarico

DATE 9-13-77 CONCURRED IN

CHARLES W. WESTERMAN, CITY CLERK

BUSINESS FORM—PRODUCT OF WILSON JONES

GrayLine



RECEIPT Date June 3 1977 No. 6985

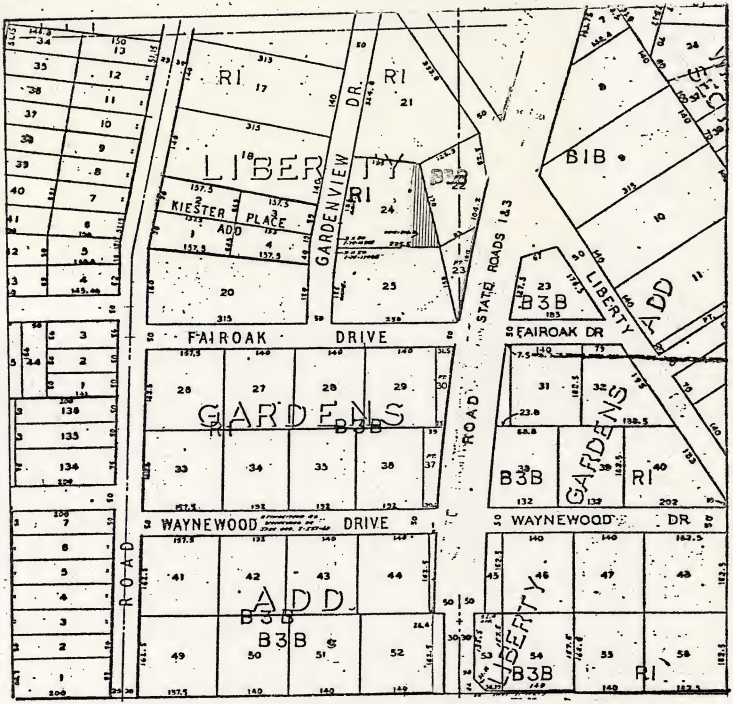
Received From A J Zacher

Address Sixty Dollars $50.00

For Rd Rezoning - Bluffton

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT	50		CASH		
AMT. PAID	50		CHECK	# 1814	
BALANCE DUE			MONEY ORDER		

By (Pr) City Plan



REZONE FROM RI TO B3B

MAP NO DD14

Z-77-06-14

BY
M.F.C.

PETITION FOR ZONING ORDINANCE AMENDMENT Receipt No. _____

Date Filed 5/23/77

Intended Use _____

I/We Burger Chef Systems, Inc.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R1 District to a/an B3B District the property described as follows:

That PART of Lot #24 in LIBERTY GARDENS Addition to the City of FORT WAYNE ACCORDING to the plat thereof, RECORDED IN PLAT RECORD 8, page 61 of the office of the RECORDER OF Allen County INDIANA described AS FOLLOWS: Beginning at the NE CORNER of SAID LOT #24. thence SOUTHERLY ALONG the EAST LINE THEREOF 170' to the S.E. CORNER of SAID LOT. then WEST ON THE SOUTH LINE OF SAID LOT 73.5' THEN NORTH AND EASTERLY 167.3' TO THE POINT OF Beginning.

(Legal Description) If additional space is needed, use reverse side.

"See ATTACHMENT"
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address & Zip Code)	(Signature)
Burger Chef Systems Inc. c/o Gary L. TRENT	P.O. BOX 927 Indpls. Ind. 46206	Gary L Trent
	716 S. BARR St. Ft. WAYNE IND. 46802	

(If additional space is needed, use reverse side)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for continuances or requests that ordinances be taken under advisement shall be filed, in writing, in the office of Community Development and Planning, by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for the meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance. (FILING FEE: $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip code)	(Telephone Number)
Gary L. Trent	716 S. Barr Ft. Wayne 46802	422 8474

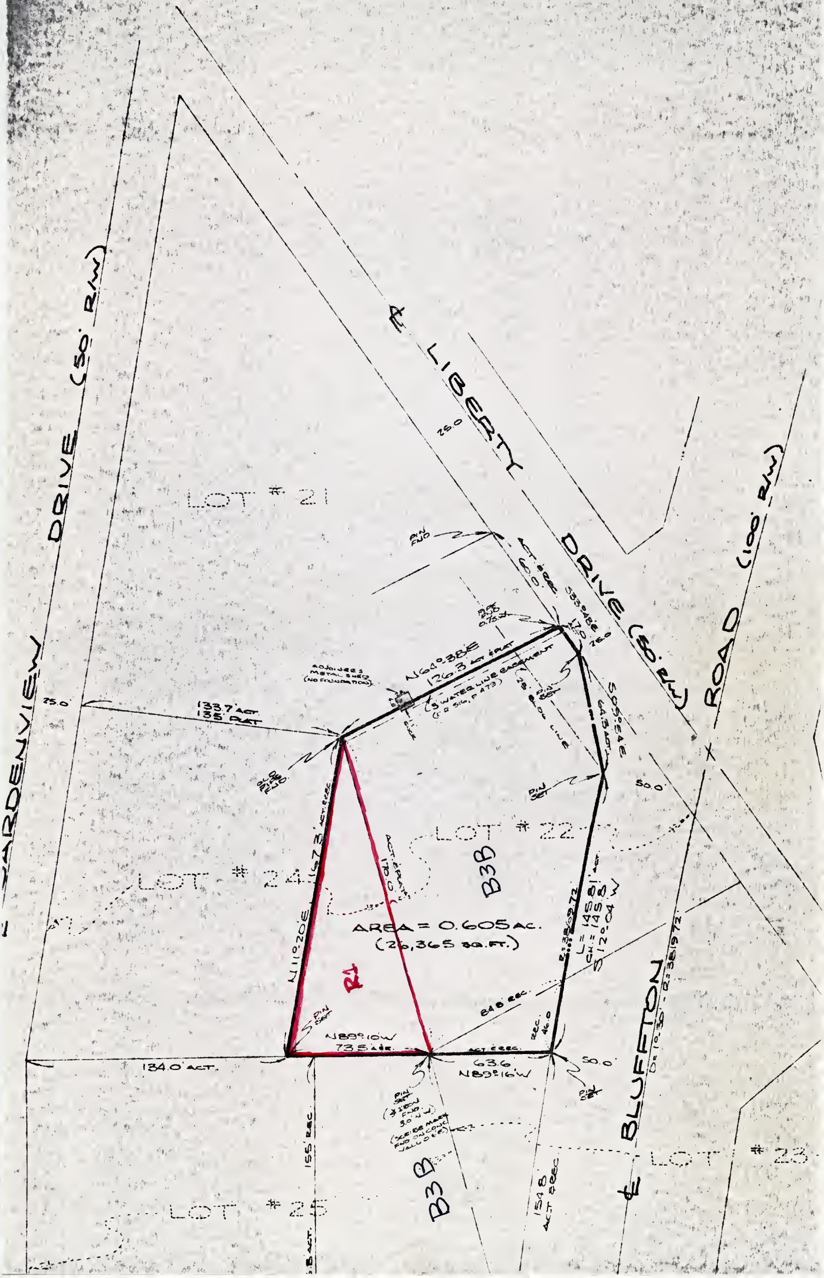
COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoning

Owners of Property

(Name)	(Address & Zip Code)	(Signature)



GARDENVIEW DRIVE (50' R/W)
LIBERTY DRIVE (80' R/W)
BLUFFTON ROAD (100' R/W)
LOT # 21
LOT # 22
LOT # 23
LOT # 24
LOT # 25
AREA = 0.605 AC.
(26,365 SQ.FT.)
B3B
R1
N64°38'E
126.3' ACT. & PLAT
3' WATER LINE EASEMENT
ADJOINEES METAL SHED (NO FOUNDATION)
133.7' ACT.
135' PLAT
25.0
PIN FND
PIN SET
N11°20'E
N89°10'W
73.5' ACT.
63.6
N89°16'W
134.0' ACT.
50.0'
155' REC.
154.8' ACT & REC
L = 145.81' ACT.
CH. = 145.8
S12°04'W

RBM

Number assigned by Bill Salin's office # 3649 Admn. Appr. _____

DIGEST SHEET

Regulations

3-77-06-14

TITLE OF ORDINANCE Zoning Map Amendment Ordinance

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the rezoning of the following described property:

The east half of Lot # 24 Liberty Garden's Addition, generally located east of Old Trail Road, north of Fairoak Drive, and west of Bluffton Road.

From "R1" to "B3B"

EFFECT OF PASSAGE Property is presently zoned "R1" - Single Family residential. Petitioners are requesting a "B3B" District - GEneral Business.

EFFECT OF NON-PASSAGE Property would remain "R1"

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) _____

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

September 19, 1977

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of September 22, and September 29, 1977.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Zoning Map Ordinances:

Bill No. Z-77-06-14
(as amended)
Zoning Map Ordinance Z-23-77

Bill No. G-77-06-42
General Ordinance No. G-33-77

Bill No. G-76-10-27
(as amended)
General Ordinance No. G-32-77

Bill No. G-77-07-31
General Ordinance No. G-34-77

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

Charles W. Westerman
City Clerk

CWW/ne
ENCL; 4

AN EQUAL OPPORTUNITY EMPLOYER

© F.W.B.C. 1974

Form Prescribed by State Board of Accounts

Common Council of Fort Wayne
(Governmental Unit)

Allen County, Ind.

To THE NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines		
Head number of lines		1
Body number of lines		79
Tail number of lines		1
Total number of lines in notice		81

COMPUTATION OF CHARGES

81 lines, 1 columns wide equals 81 equivalent lines at .259¢ cents per line	$ 20.98
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	1.50
TOTAL AMOUNT OF CLAIM	$ 22.48

'UTING COST

of single column 9½ ems

Size of type 5½ point

er of insertions 2

Size of quad upon which type is cast 5½

rovision and penalties of Ch. 89, Acts 1967,

at the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just
0 part of the same has been paid.

V.E. Gerken

Title CLERK

s 29., 19 77

LEGAL NOTICE

Notice is hereby given that on the 13th day of September, 1977, the Common Council of the city of Fort Wayne, Indiana:

SECTION 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2636 and amendments thereof: and the symbols of the City of Fort Wayne Zoning Map No. D01A, referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to wit:

That part of Lot No. 24 In Liberty Gardens Addition to the City of Fort Wayne according to the plat thereof, recorded in plat record 8, page 61 of the Office of the Recorder of Allen County, Indiana, described as follows: Beginning at the NE corner of said Lot No. 24; thence Southerly along the East line thereof 170 feet to the Southeast corner of said Lot; thence West on the South line of said Lot 73.5 feet; thence North and Easterly 167.3 feet to the point of beginning.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Winfield Moses, Jr., Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes, Eight: Burns, Hinga, Hunter, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays, None

Absent, One: Moses

Date: 9-13-77

Charles W. Westerman, City Clerk

Passes and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-23-77 on the 13th day of September, 1977.

ATTEST: (SEAL)

Charles W. Westerman, City Clerk

John Nuckols, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of September, 1977, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk

Approved and signed by me this 14th day of September, 1977, at the hour of 3:30 o'clock P.M., E.S.T.

Robert E. Armstrong, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning Map Ordinance No. Z-23-77 passed by the Common Council, on the 13th day of September, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of September, 1977, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 14th day of September, 1977.

Charles W. Westerman, City Clerk

9-22-29

CH COPY OF
ISEMENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

9/22-29/77

V.E. Gerken

Subscribed and sworn to before me this 29th day of September, 19 77

Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	1.50
TOTAL AMOUNT OF CLAIM	$ 22.48

DATA FOR COMPUTING COST

Width of single column 9 9/12 ems — Size of type 5½ point

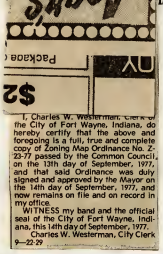
Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V.E. Gerken

Date September 29, 19 77 — Title CLERK



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WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 14th day of September, 1977.

Charles W. Westerman, City Clerk

9--22-29

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State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL

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V.E. Gerken

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Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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Arvilla DeWald

r 29, 19 77

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Winfield Moses, Jr., Councilman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes, Eight: Burns, Hinga, Hunter, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays, None

Absent, One: Moses

Date: 9-13-77

Charles W. Westerman, City Clerk

Passes and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-23-77 on the 13th day of September, 1977.

ATTEST: (SEAL)

Charles W. Westerman, City Clerk

John Nuckols, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of September, 1977, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk

Approved and signed by me this 14th day of September, 1977, at the hour of 3:30 o'clock P.M., E.S.T.

Robert E. Armstrong, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning Map Ordinance No. Z-23-77 passed by the Common Council on the 13th day of September, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of September, 1977, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 14th day of September, 1977.

Charles W. Westerman, City Clerk

9—22-29

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city ~~town~~ of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

9/2 2-29/77

Arvilla DeWald

Subscribed and sworn to before me this 29th day of September 1977

Harry V. Owen
Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev. 1967)

Common Council of Fort Wayne (Governmental Unit) — To JOURNAL-GAZETTE Dr.

Allen County, Ind. — FORT WAYNE, INDIANA

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date September 29, 19 77 — Title CLERK

AVINGS CARS

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Robert E. Armstrong, Mayor

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Charles W. Westerman, City Clerk

9—22 29

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State of Indiana } ss:
ALLEN County }

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9/2 2-29/77

Arvilla DeWald

Subscribed and sworn to before me this 29th day of September 19 77

Notary Public

My commission expires September 28, 1979